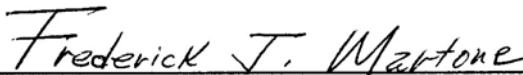


1 11 U.S.C. § 362(a)(1) and (3)); In re Way, 229 B.R. 11, 13 (B.A.P. 9th Cir. 1998) (policy
2 considerations behind automatic stay do not exist in actions brought by the debtor). Because
3 this is a pre-petition action brought by the debtor, the automatic stay does not apply.
4 Accordingly, we vacate our April 19, 2012 order (doc. 30), and notify the parties that this
5 case will not be dismissed but instead will proceed in accordance with our Rule 16
6 scheduling order (doc. 17).

7 DATED this 8th day of June, 2012.

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 Frederick J. Martone
11 United States District Judge
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